

# **EXHIBIT 1**

1 UNITED STATES DISTRICT COURT  
 2 EASTERN DISTRICT OF NEW YORK

3 -----X  
 4 XAVIER PETTIFORD,

5 PLAINTIFF,

6 -against-

7 Case No.:  
 8 17-CV--5273(ILG)(JO)

9 THE CITY OF NEW YORK, a municipal entity; New  
 10 York City Police Department ("NYPD") Detective  
 11 PATRICK FITZSIMONS, in his individual capacity;  
 12 NYPD Police Officer ERIC RYAN, in his individual  
 13 capacity; NYPD Detective JASON ZUMMO, in his individual  
 14 capacity; and NYPD Police Officers JOHN DOES (whose  
 15 identities are presently unknown), in their individual  
 16 capacities,

17 DEFENDANTS.

18 -----X

19 DATE: July 12, 2018

20 TIME: 10:36 A.M.

21 DEPOSITION of a non-party witness, STACEY LAWRENCE,  
 22 taken by the Defendants, pursuant to a Subpoena and to the  
 23 Federal Rules of Civil Procedure, held at the offices of  
 24 the New York City Law Department, 100 Church Street, 4th  
 25 Floor, New York, New York 10007, before Joanne Capparelli,  
 a Notary Public of the State of New York.

1 A P P E A R A N C E S:

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3 BERNSTEIN, CLARKE & MOSKOVITZ, PLLC  
4 Attorneys for the Plaintiff  
XAVIER PETTIFORD  
222 Broadway, 19th Floor  
5 New York, New York 10038  
BY: JOSHUA S. MOSKOVITZ, ESQ.

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ZACHARY W. CARTER, ESQ.

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CORPORATION COUNSEL

NEW YORK CITY LAW DEPARTMENT

9

Attorneys for the Defendants

10 THE CITY OF NEW YORK, a municipal entity; New York  
City Police Department ("NYPD") Detective PATRICK  
11 FITZSIMONS, in his individual capacity; NYPD Officer  
ERIC RYAN, in his individual capacity; NYPD  
12 Detective JASON ZUMMO, in his individual capacity;  
and NYPD Police Officers JOHN DOES (whose identities  
13 are presently unknown), in their individual  
capacities  
100 Church Street  
14 New York, New York 10007  
BY: LUCIENNE PIERRE, ESQ.  
15 File #: 2017-05537  
Claim #: 170839

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S. LAWRENCE

1 Q. Can you tell me approximately how much you  
2 weighed on January 2016?

3 A. Probably 177.

4 Q. Do you have any tattoos?

5 A. Yes.

6 Q. How many?

7 A. 23.

8 Q. What are they of?

9 MR. MOSKOVITZ: Objection. What is the  
10 relevance of what her tattoos are? She's not  
11 even the plaintiff in this case.

12 MS. PIERRE: Are you directing her not to  
13 answer?

14 MR. MOSKOVITZ: If you can give me a  
15 reasonable explanation about what all 23 tattoos  
16 are about but if you can't I'm going to direct  
17 her not to answer.

18 MS. PIERRE: Based on relevance.

19 MR. MOSKOVITZ: Call the court and I'll get  
20 a protective order if you are going to persist in  
21 this. You are going to persist?

22 MS. PIERRE: Stop talking. I know that you  
23 objected and you are directing her not to answer  
24 so you can stop talking now. This is a  
25 deposition, not, you know, a forum for you to

S. LAWRENCE

1 give rambling whatever it is you are giving. I  
2 ask questions; the witness answers. That's how  
3 this works.

4 MR. MOSKOVITZ: My objections are not  
5 rambling.

6 MS. PIERRE: It's on the record. It's  
7 noted.

8 MR. MOSKOVITZ: My objections are very  
9 cogent.

10 Q. Do any of your tattoos have anything to do with  
11 Xavier Pettiford?

12 A. No.

13 Q. What are the tattoos of?

14 MR. MOSKOVITZ: I'm going to call the court  
15 for a protective record. May I have the phone,  
16 please.

17 MS. PIERRE: You can call on your own phone,  
18 Mr. Pettiford.

19 MR. MOSKOVITZ: My name is a not Pettiford.  
20 It is very unconscionable of you to not let us  
21 use the phone.

22 MS. PIERRE: You can call the court.

23 MR. MOSKOVITZ: Please pass me the phone.

24 MS. PIERRE: No.

25 MR. MOSKOVITZ: You are really not going to

S. LAWRENCE

1 pass the phone?

2 MS. PIERRE: No.

3 MR. MOSKOVITZ: Then we can sit here. It's  
4 the most unprofessional thing that ever happened  
5 to me at a deposition in this building and that's  
6 saying a lot.

7 For the record, I'm not getting any  
8 service from my cell phone.

9 MS. PIERRE: Are you done? You are talking  
10 at random.

11 MR. MOSKOVITZ: We're waiting for the  
12 conference phone to be made available to us to  
13 call the judge because Ms. Pierre refuses to  
14 provide the conference phone and I'm not getting  
15 any service from my cell phone so I couldn't call  
16 the court from my cell phone if I wanted to. You  
17 may proceed, Ms. Pierre.

18 MS. PIERRE: I don't need permission to  
19 continue with my own deposition.

20 MR. MOSKOVITZ: I don't think any of us  
21 needs to make a snarky remark.

22 MS. PIERRE: You are making a snarky remark.  
23 You are obstructing this deposition and it's  
24 inappropriate.

25 MR. MOSKOVITZ: I disagree.

S. LAWRENCE

1 MS. PIERRE: Are you done obstructing the  
2 deposition. I'd like to continue the deposition  
3 whenever you finish speaking.

4 MR. MOSKOVITZ: As I've said I have no  
5 problem with you proceeding with the deposition.

6 Q. Where are the tattoos?

7 MR. MOSKOVITZ: Objection. I'm like to make  
8 a call to the judge to make a protective order.  
9 Can you pass the phone.

10 MS. PIERRE: No.

11 MR. MOSKOVITZ: You are refusing to allow me  
12 to use the conference because I'm not getting any  
13 service on my cell phone?

14 MS. PIERRE: Your objection is noted on the  
15 record. We're continuing with the deposition  
16 right now.

17 Q. Please describe your current hairstyle?

18 MR. MOSKOVITZ: Objection. You can answer.

19 A. It's just straight parted, highlight.

20 Q. Did you have the same hairstyle on January 2016?

21 A. No.

22 Q. How is it different?

23 A. I don't remember.

24 Q. How long have you lived at 2220 Deerfield Road?

25 A. 23 years.